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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,847	01/31/2001	Harald Krondorfer	1466	6258

7590 11/20/2009  
STRIKER, STRIKER & STENBY  
103 East Neck Road  
Huntington, NY 11743

EXAMINER
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WEEKS, GLORIA R

ART UNIT	PAPER NUMBER
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3721

MAIL DATE	DELIVERY MODE
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11/20/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/774,847	<b>Applicant(s)</b> KRONDORFER ET AL.	
	<b>Examiner</b> GLORIA R. WEEKS	<b>Art Unit</b> 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-28 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) 12, 13, 18 and 33 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22, 23 and 37-42 is/are allowed.
- 6) ☒ Claim(s) 11, 14-17, 19-21, 24-28, 30-32 and 34-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to the amendment and remarks received on July 12, 2009 and August 5, 2009.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

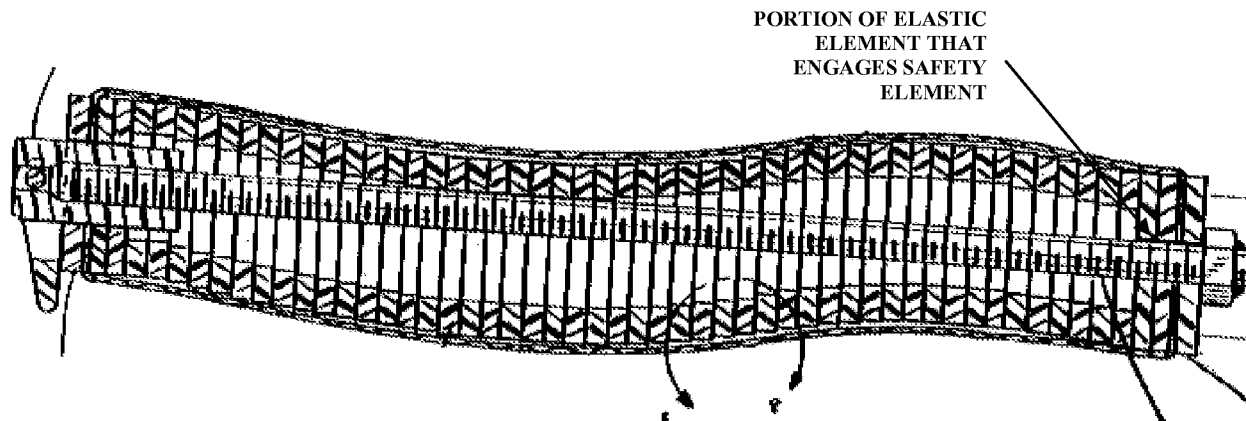
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 11, 14-17, 19-21, 24-28, 30-32 and 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Hastings (USPN 6,314,617).

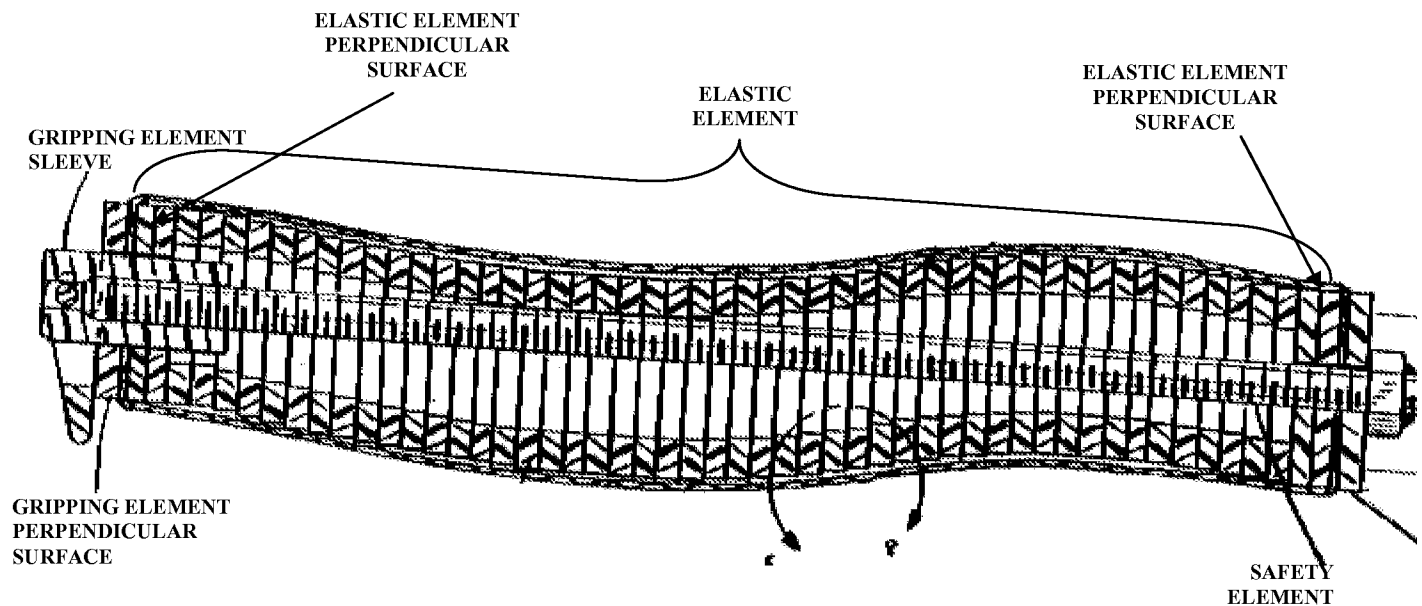
In reference to claims 11 and 14-17, 19-21, 24-28, 31 and 34-36, Hastings discloses a hand tool comprising: a housing 24; a gripping part 22 mounted on a mounting part 14 through a plurality of cylindrical rings joined to define an elastic element 18 (column 4, lines 28-35) that engages 360° of the circumference of a screw safety element 12 (*see diagram below*), wherein the safety element is a tiltable (to various positions for casting the fishing rod) rigid component; the gripping part 22, the mounting part 14, the elastic element 18 and the safety element 12 are arranged coaxially with one another; wherein the elastic element 18 completely surrounds the safety element 12; wherein the elastic element 18 has a first end and a second end located opposite to the first end, the safety element 12 extending from the first end of the elastic element

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18 to the second end of the elastic element 18; wherein the safety element 12 is screwed into the mounting part 14.



Regarding claim 30, Hastings et al. discloses a hand power tool comprising: a housing 24; a gripping part including a sleeve 20 and support 16, 21, the gripping part mounted on a mounting part 14 through a plurality of cylindrical rings joined to define an elastic element 18, wherein the safety element 12 is a tiltable (to various positions for casting the fishing rod) rigid component; the gripping part 22, the mounting part 14; the elastic element 18 and the safety element 12 are arranged coaxially with one another; the elastic element 18 having a first surface perpendicular (*see diagram below*) to the axis and fixed to the gripping part 16 and a second surface perpendicular to the axis that is connected to the mounting part 14.



With respect to claims 32, Hastings et al. discloses a hand power tool comprising: a housing 24; a gripping part including a sleeve 20 and support 16, 21, the gripping part mounted on a mounting part 14 through a plurality of cylindrical rings joined to define an elastic element 18,, wherein the safety element includes a tiltable (to various positions for casting the fishing rod) rigid component 12; the gripping part 20, the mounting part 14, the elastic element 18 and the safety element 12 arranged coaxially with one another; the length of the safety element 12 is parallel to the axis and is at least three times the width of the safety element 18, wherein the width is perpendicular to the axis.

#### *Allowable Subject Matter*

4. Claims 22 and 23, 37-42 are allowed.

***Response to Arguments***

5. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection, necessitated by Applicant's amendments filed on July 12, 2009.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GLORIA R. WEEKS whose telephone number is (571)272-4473. The examiner can normally be reached on M-Th 8am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Other helpful telephone numbers are listed for applicant's benefit:

- Allowed Files & Publication (888) 786-0101
- Assignment Branch (800) 972-6382
- Certificates of Correction (703) 305-8309
- Fee Questions (571) 272-6400
- Inventor Assistance Center (800) PTO-9199
- Petitions/special Programs (571) 272-3282
- Information Help line 1-800-786-9199

/Gloria R. Weeks/  
Examiner, Art Unit 3721

/Rinaldi I Rada/  
Supervisory Patent Examiner, Art Unit  
3721

November 20, 2009